

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

TYLER WYSE, on behalf of himself and others similarly situated,)	
)	Case No 3:21-cv-00957
)	
Plaintiff,)	Judge James R. Knepp II
vs.)	
)	<u>ORDER GRANTING JOINT</u>
SAUDER WOODWORKING CO.,)	<u>STIPULATION OF CONDITIONAL</u>
)	<u>CERTIFICATION OF AN FLSA</u>
Defendant.)	<u>COLLECTIVE AND RULE 23 CLASS</u>
)	

This matter is before the Court on the Parties’ Joint Stipulation of Conditional Certification of an FLSA Collective and Rule 23 Class (“Joint Stipulation”). Representative Plaintiff Tyler Wyse, on behalf of himself and other similarly situated, and Defendant Sauder Woodworking Co. have stipulated to conditional certification of a collective action pursuant to Section 16(b) of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 216(b), and class action under Fed. R. Civ. P. 23(b)(3).

The Court finds that the proposed Class Members are similarly situated under the FLSA, and that conditional certification of a collective action is appropriate under 29 U.S.C. § 216(b). The Court further finds that the proposed class meets the requirements of Fed. R. Civ. P. 23(a) for numerosity, commonality, typicality, and adequacy of representation, and that the class satisfies the predominance and superiority requirements of Fed. R. Civ. P. 23(b)(3). Accordingly, the Court hereby grants the Parties’ Joint Stipulation, and ORDERS as follows:

1. The following collective is conditionally certified pursuant to Section 16(b) of the FLSA, and a class is conditionally certified pursuant to Fed. R. Civ. P. 23(b)(3):

All current and former non-exempt hourly production employees employed by Defendant during the period of time from May 7, 2019 to the present who worked 40 or more hours and received an automatic five-minute

deduction from their work hours during any work week during this period of time.

Persons fitting this definition will be referred to herein as “Class Members”;

2. That notice be directed to the Class Members;

3. The Notice and Consent attached to the Parties’ Joint Stipulation is approved, shall be dated as of the date of this Order, and shall be distributed to the Class Members by a third-party administrator selected by Plaintiff’s counsel via first-class U.S. Mail. Plaintiff’s counsel shall be responsible for and bear all costs associated with mailing the Notice and Consent to all putative collective action members.

4. Representative Plaintiff Tyler Wyse is approved as the Representative Plaintiff in this collective action.

5. Hans A. Nilges and Jeffrey J. Moyle of Nilges Draher LLC shall serve as Lead Counsel of this class and collective action.

6. Defendant shall provide the names and last known home mailing addresses for all Class Members to Nilges Draher LLC no later than thirty (30) days from the date of this Order.

7. There shall be a 45-day notice period for opting into or opting out of this lawsuit, which shall commence on the date that the Notice and Consent are postmarked. All Consent forms sent to the third-party administrator shall be postmarked within the 45-day notice period

8. If any Notice and Consent is returned to the third-party administrator as undeliverable, Plaintiff’s counsel shall attempt to obtain an additional mailing address, and Defendant shall provide Plaintiff’s counsel an email address for the person, if reasonably available to Defendant. For such persons, the notice period will be extended to 45 days from the date of the additional mailing of the Notice and Consent, if any.

9. Neither party shall contact any of the potential Class Members for the purposes of discussing the subject matter of or their participation in this lawsuit through the end of the notice period, except that counsel for either Party may respond to inquiries from the potential Class Members during this time. This shall not be construed as a prohibition on Defendant's interaction with any of the potential opt-in plaintiffs in the normal course of business.

SO ORDERED:

Date: 9/16/2021 s/ James R. Knepp II
James R. Knepp II
United States District Judge